

Remarks

Claims 44 and 48-59 are pending in the present application. Claims 44, 52, 55 and 56 have been amended. Claims 48, 49, 57, 58 and 59 have been canceled. New claims 60 and 61 have been added. Support for the new claims can be found, for example in Claim 13 of the specification as originally filed.

Allowable Subject Matter

The applicant would like to thank the Examiner for the indication of allowable subject matter of dependent claims 49 and 58. The applicant has amended the claims herein to rewrite dependent claims 49 and 58 into independent form.

Statement With Regard to Claim Amendments and Cancellations Herein

The claim amendments and cancellations herein are made only for the purpose of facilitating expeditious prosecution of the allowable subject matter as indicated by the Examiner. The applicant does not concede that the claims, including the claims as originally filed, define unpatentable subject matter over the references cited by the Examiner, and reserve the right to pursue additional claims, including the claims as originally filed, in one or more continuing applications.

Claim Objections

Claim 55 is amended herein to depend from claim 54, thus providing proper antecedent basis for the recitation of "...said common lens..."

Claim 56 is amended herein to acknowledge proper antecedent basis for the term beam splitter has been established.

In view of the amendments and clarifying comments herein, the applicant respectfully

requests that the objections to claim 55 and 56 be withdrawn.

35 U.S.C. §112, paragraph 1

Claim 59 stands rejected under 35 U.S.C. §112, first paragraph. To facilitate expeditious prosecution of the allowable subject matter as indicated by the Examiner, the applicant has canceled this claim. As such, the applicant respectfully requests that the rejection be withdrawn.

35 U.S.C. §112, paragraph 2

Claims 44 and 48-51 stand rejected under 35 U.S.C. §112, second paragraph. The Examiner argues that the recitation of "...wherein said target radiation is not filtered by any objective lens until after being split into said first optical path and said second optical path..." is vague and indefinite as noted on pages 3 and 4 of the office action mailed July 11, 2007. To facilitate expeditious prosecution of the allowable subject matter as indicated by the Examiner, the applicant has deleted the above-cited recitation from claim 44. In view of the amendments herein, the applicant respectfully requests that the rejection of claim 44, and the claims that depend there from, be withdrawn.

35 U.S.C. § 103(a)

Claims 44 and 48 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 5,035,472 to Hansen (hereinafter "*Hansen*") in view of U.S. Pat. No. 3,379,830 to Menke (hereinafter "*Menke*") and U.S. Pat. No. 5,497,266 to Owen (hereinafter "*Owen*"). Claims 50, 51 and 52-57 stand rejected under 35 U.S.C. §103(a) as being obvious over *Hansen* in view *Owen* and further in view of U.S. Pat. No. 6,335,526 to Horn (hereinafter "*Horn*").

According to the M.P.E.P. §706.02(j), to establish a *prima facie* case of obviousness, the prior art reference must teach or suggest all the claim limitations. It is the applicants' position

that the art does not support the rejections to the claims as amended herein, thus a *prima facie* case of obviousness has not been established. Accordingly, the applicants respectfully request that the rejections are withdrawn.

Claim 44 has been amended herein to include the limitation of claim 49 and intervening claim 48, which the Examiner has deemed allowable if rewritten into independent form and if the above-described issues under 35 U.S.C. §112 are corrected. The applicant believes that the above-described issues under 35 U.S.C. §112 have been properly addressed. As such, the rejections to claims 44 and the claims that depend there from are moot. The applicant respectfully requests that these rejections are withdrawn.

Claim 52 has been amended herein to include the limitation of claim 58 and intervening claim 57. The Examiner has deemed claim 58 allowable if rewritten into independent form. As such, the rejections to claims 52 and the claims that depend there from are moot. The applicant respectfully requests that these rejections are withdrawn.

New Claims

The applicant has added two new claims. Each new claim is believed to be allowable, at least by virtue of being dependent upon a base claim which the applicant believes is allowable as set out in greater detail herein. Moreover, no new matter is believed to be added and no new search is believed to be required. For example, the new claims 60 and 61 are fully supported by (previously canceled) claim 13, which was presented as part of the specification as originally filed.

Conclusion

For all of the above reasons, the applicant respectfully submits that the above claims recite allowable subject matter. The Examiner is encouraged to contact the undersigned to

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October 11, 2007

Reply to Office Action of July 11, 2007

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resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,

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